

ADOT Agreement File No. JPA 02-207  
**AMENDMENT ONE**  
AG Contract No. KR03-0460TRN  
Project: STP 280-A(001) & S280-A-400  
TRACS No.: H6042 01C & 01D  
Section: SR 280 Turnback Agreement  
Budget Source Item No.: 13504

**AMENDMENT No. ONE  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF YUMA

**AGREEMENT No. I JPA 02-207** is entered into this date of December 21st 2006, Original Agreement filed with the Secretary of State May 11, 2004, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State"), the CITY OF YUMA, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

**THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING LANGUAGE TO THIS AGREEMENT JPA 02-207:** Amend paragraph 1.d. and 2.c Under the Scope of Work. All other terms and conditions of the original Agreement shall remain in force and effect.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. 260878  
Filed with the Secretary of State  
Date Filed: 12/21/06  
Janice K. Brown  
Secretary of State  
By: [Signature]

**II. SCOPE OF WORK**

## 1. The City will:

d. Upon completion of the design, right-of-way plan specifications, the Environmental clearance for the Project, remit an invoice to the State for an amount not to exceed \$6,100,000.00 for the right-of-way acquisition, utility relocation, and construction of the Project.

## 2. The State will:

c. Upon completion of the design, right-of-way plan specifications, the Environmental clearance and within (30) days of receiving and approving an invoice pay the City an amount no to exceed \$6,100,000.00 of State underway obligated funds for Fiscal Year 2006, for the right-of-way acquisition, utility relocation, and the construction of the Project.

**EXCEPT AS AMENDED HEREIN, all other terms and conditions of the Original Agreement shall remain in fore and effect.**

All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 S. 17 Avenue, MD 616E  
Phoenix, AZ 85007

City Administrator  
One City Plaza  
P.O. Box 13014  
Yuma, AZ 85366-3014

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IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

**CITY OF YUMA, ARIZONA**

By Mark S. Watson  
MARK WATSON  
City Administrator

**STATE OF ARIZONA**

Department of Transportation

By Douglas A. Forstie  
DOUGLAS A. FORSTIE, P.E.  
Deputy State Engineer, Operations

ATTEST

By Brigitta M. Kuiper  
BRIGITTA M. KUIPER  
City Clerk

RESOLUTION NO. R2004-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF  
AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF  
ARIZONA, FOR THE DELEGATION OF CONSTRUCTION, OPERATION  
AND MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS AND  
THE CONVEYANCE OF RIGHT-OF-WAY OF JURISDICTION FOR  
STATE ROUTE 280**

WHEREAS, the State of Arizona (State) has determined that the widening and improvements of State Route 280 (Avenue 3E); and,

WHEREAS, the State has engaged the design of said improvements and widening of Avenue 3E, between State Milepost 0.01 and Milepost 1.16 (Project); and,

WHEREAS, the State has determined that the assumption of authority to construct, operate and maintain certain public improvements to Avenue 3E and the jurisdiction over same would be appropriately held and served by the City of Yuma (City); and,

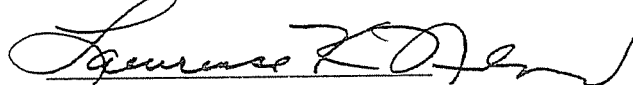
WHEREAS, the State has decided to provide the completed Project design to the City and to provide funds to the City for the completion of the designed improvements, in the amount of \$6,100,000.00; and

WHEREAS, the City has committed to utilization of said funds for the completion of the public improvements and widening of Avenue 3E, based upon the above provisions.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma, Arizona, that the City Administrator is authorized and directed to execute an Intergovernmental Agreement with the State of Arizona, as shown in Exhibit A, attached hereto and by this reference made a part hereof.

Passed and adopted this 7th day of April, 2004.

APPROVED:



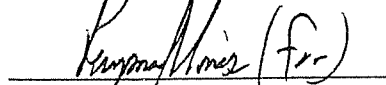
Lawrence K. Nelson  
Mayor

ATTESTED:



Brigitta M. Kuiper  
City Clerk

APPROVED AS TO FORM:



Steven W. Moore  
City Attorney


THE CITY OF YUMA ATTORNEY

APPROVAL FORM

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and CITY OF YUMA, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 21<sup>st</sup> day of November, 2006.

CS Deagon  
Attorney

<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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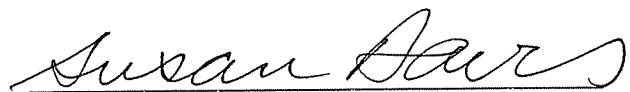
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR03-0460TRN (**JPA 02-207, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Yuma, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: December 12, 2006

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:991141  
Attachment